

**Information by Azerbaijan to the study on intentional destruction of cultural heritage
(Responses to the questions by Ms. Karima Bennoune, Special Rapporteur in the field of
cultural rights)**

The preservation of the cultural diversity is one of the challenges faced by all countries because it is seen as a part of main amenities owned by human mankind. Azerbaijan is among rare countries where the cultural diversity is felt clearly and openly. Throughout the centuries, peoples that belong to various religions, races, languages and traditions, have co-existed in this country that paved the way for the formation of current cultural diversity. For the time being, Azerbaijan is populated by representatives of over 20 national minorities such as Talysh, Kurd, Lezghi, Tat, Russian, Ukrainian, Georgian, Inghiloy, Tatar, Avar, Ahyska Turk, Jewish, German, Greek and others. All of them enjoy the cultural societies. Representatives of three main religious confessions – Islamic, Christian and Judaic communities participate jointly at various public ceremonies and cultural events. Support and preservation of the cultural diversity are reflected in the State policy of Azerbaijan. At the same time, each Azerbaijani citizen has the right to use equally various cultural fields. The right of peoples populating the territory of the Azerbaijani State for religious freedom notwithstanding their religious background is being provided across the country. It should be noted that though 90% of the population is Muslim, there are the communities comprising over ten thousands of Ashkenazi and Mountain Jews that preserved their identity and enjoy their religious belief in 8 synagogues constructed with the direct public support.

Azerbaijan is also the Motherland of almost 450 thousand of Christians. This community includes Russian and Georgian orthodox Christians, Armenian Gregorian Church adepts, and a minor number of protestants that belong to the small German Lutheran community. Despite social problems emerged in the aftermath of the Armenia-Azerbaijan conflict, the Armenian Saint Gregory Church in downtown Baku is fully refurbished and under State protection. In 2010, Catholicos Karekin II, the head of the Armenian Gregorian Church and his Russian counterpart, Kirill I, the Patriarch of Moscow and all Rus' have visited the Church and made the prayer.

As a country of multiculturalism, Azerbaijan promotes the cross-cultural dialogue inside the country, but also at the regional level. The 2009 World Report of UNESCO indicates that the recognition of cultural diversity helps to strengthen the universal nature of the human rights in our societies. In its turn, Azerbaijan not only acknowledges the cultural diversity, but also undertakes concrete measures to preserve and pass it to future generations.

A) What is the impact of the intentional destruction of cultural heritage on the enjoyment of human rights, and particularly, on cultural rights? What is the impact of destruction of tangible cultural heritage on intangible cultural heritage, on cultural practices and beliefs, and on the right of concerned persons to participate in cultural life?

The standpoint of Azerbaijan on cultural rights of social groups populating its territory falls in harmony with a relevant definition declared by the UN Human Rights Council as follows: “the cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent”.

9.4% of the Azerbaijani population is composed of national minorities. Insofar, art festivals of national minorities were held four times in the country. Such events are perfect tools for minorities to present their art expressions in the conditions of peaceful coexistence. While respecting language, religion, traditions and customs of national minorities, Azerbaijan makes practical steps to preserve these particular patterns. This policy is coherent with Article 5 of the UNESCO Universal Declaration on Cultural Diversity stipulating that all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices. The preservation and promotion of the multicultural values have a particular importance for Azerbaijan. High tolerance towards different languages, religions and cultural identities coupled with the preservation and development of co-existence are

the integral part of the State social policy. It is evident that the year of 2016 is declared as the Year of Multiculturalism on the initiative of the President of the Republic of Azerbaijan Ilham Aliyev. During the current year, the country is planning to organize events bringing together various cultures at national level. On April 25-27, 2016, Baku has hosted the 7th Global Forum of UN Alliance of Civilizations – Living Together in Inclusive Societies: a challenge and a goal. Azerbaijan has adhered to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression in 2009.

It is well known to everyone that a deliberate destruction of the cultural heritage undermines the future of the entire people and the region. The cultural heritage is the spotlight leading any nation towards its future. Proclaiming the universality of human rights, Azerbaijan relies on its commitment to the preservation of cultural heritage upon the respect to the history and cultural rights of all social groups. Azerbaijan firmly deplores any attempt to destroy the cultural heritage, to delete historical values and rewrite the history by considering it as the act of vandalism.

In the aftermath of the military aggression of Armenia against Azerbaijan during the years of 1991-1994, the internationally recognized territories of Azerbaijan – Nagorno Karabakh and seven adjacent districts (Lachyn, Kalbajar, Agdam, Fizuli, Gubadly, Zanghilan and Jabrayil) have fallen under occupation. This has resulted by the violation of the territorial integrity of Azerbaijan and claimed the lives of over 20 thousand Azerbaijanis while 4,866 are either missed or imprisoned or taken in hostage. As a result of the occupation of Nagorno Karabakh and neighbouring territories, the larger part of the country's rich cultural heritage is threatened. This conflict has forced over 1 million of people to leave their centuries' long lived native lands by making them to become internally displaced persons within their own country. The United Nations Security Council has passed the resolutions 822, 853, 874 and 884 in 1993 demanding immediate and unconditional withdrawal of Armenian troupes from the occupied Nagorno Karabakh and surrounding territories. There are also relevant resolutions adopted by UN General Assembly, PACE, OSCE, European Parliament, OIC and other organizations. The armed conflict has deprived many people from their right on tangible cultural heritage. Over 20 years, 1 million of persons remain unable to visit cultural monument created centuries ago in their native lands. This should be qualified as a blatant violation of cultural rights. Hundreds of religious cultural monuments, sanctuaries and cemeteries remain under the occupation by depriving those persons to make their religious practices in holy places. On the backdrop of acute social and economic challenges, the cultural life became paralyzed.

Recognition and creation of all relevant conditions to enjoy freely religious and cultural practices (experience) is a demonstration of observance of human rights. In its turn, this shows that how close are the human rights and freedoms to the cultural rights. The cultural heritage is destroyed or remains in ruins in the occupied lands due to the conflict. This should be also considered as a fact of violation of rights of creators of this heritage. The cultural rights of 1/9 of the Azerbaijani population are brutally violated by the armed forces of Armenia. During the conflict and the period of ceasefire, Armenian separatists have destroyed numerous mosques, cemeteries, museums, libraries and other samples of the tangible cultural heritage. In its turn, this has impacted negatively on the cultural life of all Azerbaijani citizens. A forceful driving the people out of Nagorno Karabakh and neighboring territories has made it impossible to run cultural life in those lands by triggering a decline in all sectors of the cultural practices.

B) What are examples of different situations illustrating the above (situations of armed/non-armed conflict or international/internal conflict; destructions by States/Non-States actors; geographical or other diversity, etc)?

Due to the fact that the cultural heritage of Azerbaijan is the integral part of the universal culture, the preservation of historical and cultural monuments inherited from the centuries' long past remains as a problem that has an international significance. The region of Nagorno Karabakh and seven adjacent districts (Kalbajar, Lachyn, Gubadly, Zanghilan, Jabrayil, Fizuli and Agdam), including seven villages of

the Gazakh district and the Karki village of Nakhchivan located on the frontier with Armenia far from the Nagorno Karabakh itself contain in total 738 historical monuments, 9 mosques, 927 libraries, over 83,500 artifacts in 28 museums, 4 art galleries, 14 memorials and 1107 cultural institutions comprising 1891 cultural resources remain in the occupied territories. All of these constitute a very big loss for the culture of Azerbaijan.

Several of those monuments of said tangible cultural heritage that have a universal value and located in the occupied lands are as follows: the Albanian Agoglan Monastery of the VI century; the Malik Ajdar Turbeh of the XIV century in Lachyn; the Albanian Amaras Monastery of the IV century and many other Albanian temples in Khojavend; the Askeran Fortress of the XVIII century; turbehs of the XIV century and several Albanian temples of the medieval age in Khojaly; the Albanian Saint Jacob Monastery of the VI century and the Khatiravang Monastery of the XIII century; the Lek Fortress of the XIII-XIV centuries in Kalbajar; the Albanian monasteries of the V-VIII centuries in Gazakh; the Mirali Turbeh of the XIII-XIV centuries and the caravanserai of the XVII century in Fizuli; the Turbeh of the XIV century in Zanghılan; the Mosque Compound of the XVII century in Jabrayil; the Yukhary and Ashagy Govheragha, the Saatly mosques and the caravanserai and houses of the XVII – XIX centuries in Shusha; the mosque of the XIX century and the archaeological sites of Garakopektepe, Khantepe, Guneshtepe, Uzuntepe, Meynetepe and Zargartepe in Agdam; human settlements related to the late Stone and Bronze Age in Fizuli; settlements of Chyragepe and Garahaji of the Bronze Age; the Gavurgala settlement of Middle Age in Agdam; sand hills of Imangazantepe and Gyshlag of the Bronze Age in Jabrayil; petroglyphs of the Bronze Age in Kalbajar; the stone necropolis of the Bronze and Iron Age in Khojaly; the settlement and the necropolis of the Bronze Age in Sadarak; sand hills of the Bronze and Iron Age in Lachyn; the cave of the Stone Age; sand and stone graveyards of the Bronze and Iron Age in Shusha; the settlement of the XIII-XIV centuries in Zanghılan.

Furthermore, the monument of universal significance located in the occupied territories of Azerbaijan include the following: the Khudaferin medieval bridges of 11 and 15 spans, including the Niftaly burial mounds of the Bronze Age in Jabrayil; the Ganjasar and Khudavang medieval monasteries in Kalbajar; the Gutlu Musa oğlu Turbeh of the XIV century and the Uzerliktepe settlement of the Bronze Age in Agdam; the Azykh and Taglar caves of the Paleolithic Age in Khojavand; burial mounds of the Bronze and Iron Age in Khojaly.

The Azykh and the Taglar caves, including the Garakopek and the Uzerliktepe burial mounds which are the famous prehistoric human settlements in the territories occupied due to the Armenian military aggression, are currently being destroyed deliberately by using it for military purposes. This falls in full contradiction with the dispositions of the Hague Convention of 1954. Besides the burial mounds located in the regions of Khojaly, Agdam, Agdere, Fizuli and Jabrayil, cemeteries, turbehs, tombstones, mosques, temples in the territory of the occupied Shusha, Lachyn, Kalbajar, Gubadly, Zanghılan and Fizuli as well as monuments and other cultural heritage samples related to the Caucasian Albania are being destroyed. The museums of Bulbul, the founder of the professional singing art of Azerbaijan and Mir Mohsun Navvab, the musician and the artist are plundered by aggressors. The fate of the Round Temple (1356 - 1357) and the Turbeh (the XIV century) in Khojaly is still unknown to us. Likewise, the vandalism inflicted on the ancient Aga-Dede Mosque and on the Muslim graveyards in the Massis district of Armenia mirrors the cultural terrorism staged against the people of Azerbaijan.

One of the principal cities of Nagorno Karabakh, the city of Shusha that sets the cultural identity of the Azerbaijani people, has always been playing the main inspiring role in preserving and developing the national musical heritage. The folk musical art should be qualified as the integral part of Azerbaijan's intangible cultural heritage. Spanning several centuries, the city of Shusha has indeed been the lighthouse preserving, maintaining and developing this folk art of singing. The occupation of this city by the Armenian armed forces in the course of the Armenia-Azerbaijan conflict has deprived the Azerbaijani people of the access to this cultural heritage by severely altering its cultural rights.

The status of the cultural heritage in the occupied territories is alarming. Visiting the occupied city of Agdam in November 2014, the British traveler and writer George Mitchell called it as a ghost town and Hiroshima of Caucasus. In his reports, he wrote about the total destruction of the natural and cultural heritage.

The destruction and deliberate desecration of the historical and cultural monuments in the occupied territories of Azerbaijan are nothing but a full violation of the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, the European Convention of 1992 on the Protection of the Archaeological Heritage and the UNESCO Convention of 1972 concerning the Protection of the World Cultural and Natural Heritage.

C) What are the examples of good practices, especially with regard to prevention and protection against destruction, as well as repatriation and reconstruction measures of cultural heritage, including through human and cultural rights education and awareness?

The protection of historical cultural monuments, in its turn, opens up possibilities to preserve the cultural diversity of peoples living in the country. The existence of samples of tangible cultural heritage creates an opportunity to revive intangible cultural heritage of minorities. The protection of samples of tangible cultural heritage is one of main priorities of the cultural policy of the Government of Azerbaijan. The legislation related to this field is being improved both locally and globally. Among documents adopted at national level, we can name the Law of 1998 on the Protection of the Historical and Cultural Monuments and the State Program on the Improvement and Development of Activities related to the Restoration and Protection of Immovable Historical and Cultural Monuments and to the development of operations in the cultural reserves for the years of 2014-2020. As a result, the Public Service for the Protection, Development and Restoration of the Cultural Heritage has started to operate since 2014. At the same time, Azerbaijan acts as an active member of the UNESCO Committee for the Protection of Cultural Property in the Event of Armed Conflict.

The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict obliges adherent States to refrain from making steps of a deliberate destruction of cultural property. Azerbaijan condemns any attempt aimed at a deliberate destruction of samples of tangible and intangible cultural heritage as indicated in the Hague Convention and the Declaration concerning the Intentional Destruction of Cultural Heritage adopted by UNESCO in 2003. According to Article 4 of the Convention adhered also by Armenia, its First and Second Additional Protocols and other international covenants, the use of tangible cultural monuments for military purposes is prohibited in the conditions of war. Tangible and intangible parts of a damage made to the Azerbaijani people in the aftermath of the Armenia-Azerbaijan conflict are already described above. Though Azerbaijan has repeatedly made appeals to the international community to address the consequences of this damage and evaluate the status of the cultural heritage, the Armenian side has never made possible to accomplish a fact-finding mission to evaluate the current status of tangible cultural heritage in the occupied territories of Azerbaijan via UNESCO.

In fact, currently, it is impossible to enforce the protection of existing tangible cultural monuments in Nagorno Karabakh and seven neighbouring territories which are internationally recognized territories of Azerbaijan. The Armenian State is the sole bearer of responsibility over the destruction of each sample of the cultural heritage in those territories and the violation of cultural rights of millions of people.

The Republic of Azerbaijan takes all necessary steps to protect tangible cultural heritage remaining under its control. The enhanced protection status is assigned to two Azerbaijani sites that make part the world cultural heritage – the Icherisheher that locates the Shirvanshahs' Palace and the Qiz Qalasi (Maiden Tower) and the Petroglyphs in Gobustan in the framework of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

The Azykh Cave located in the current Khojavend region occupied currently by Armenian armed forces and discovered on the basis of previous archaeological excavations carried out by the Azerbaijani scientists is intentionally destroyed while using it as a long term military base. The Azykh Cave is registered by the State as the archaeological monument of global significance in 2001 by the decision of the Cabinet of Ministers of the Republic of Azerbaijan. Due to the occupation, the protection of the Azykh Cave becomes physically impossible. According to the Azerbaijani side, the Azykh Cave should be inscribed into the World Representative List of Tangible Cultural Heritage. However, its current status impedes not only this inscription, but leads also to its full physical destruction.

D) What strategies are in place to protect cultural heritage defenders at risk? Under which circumstances can they be considered as cultural rights defenders?

Currently, the endangered samples of the cultural heritage of the Azerbaijani people are located in the occupied lands only and in the territories of Armenia before the forced deportation of Azerbaijanis from that country. The historical cultural heritage created in those territories exists no longer. Furthermore, it is misappropriated by falsifying the historical background. Azerbaijanis that used to live in the current territory of Armenia were subjected to the deportation and the ethnic cleansing. Due to the fact that Nagorno Karabakh and adjacent districts are potentially war zones, local people that used to work in the field of cultural heritage in those places either during the occupation or after that period are killed or forced out of their native homes. Nevertheless, the Azerbaijani State has managed to ensure temporary living places for IDPs and refugees that were forced to leave their homes. With the State support, it becomes possible to create an environment to continue even partially their cultural practices and traditions. As it goes with other cities and regions of the country, the cultural institutions that fulfill cultural functions for IDPs from the occupied lands continue their activities. These institutions are financed by the State and service citizens that left Nagorno Karabakh and adjacent districts for safer places. Such entities have local libraries, musical schools, clubs, theaters, cultural courses, movies, museums etc.

Samples of the cultural heritage existing in all other territories of Azerbaijan that are out of the occupation zone are protected by the State. The fact of occupation excludes any possibility to ensure a direct protection of the cultural heritage in the occupied lands. Likewise, the security for custodians of the cultural heritage in those places is impossible. The Government of Azerbaijan extends its support to the cultural heritage custodians and activities of persons involved personally in this field. Mr. Elchin Asadov, the resident of Bala Bahmanli village of the Fizuli region which is partly under occupation has created the museum on his own initiative in 2003. This museum contains over 1000 historical artefacts collected during the mine clearance operations and discovered using other methods. 90% of artefacts are collected by Elchin Asadov while 10% is brought by local population. According to the Law of the Republic of Azerbaijan on Culture, the Ministry of Culture and Tourism of the Republic of Azerbaijan has taken the decision to establish the branch Office of the Fizuli Museum of Local History in the village of Bala Bahmanli to ensure a full protection of those artefacts in frontline on the basis of request of Elchin Asadov in 2006.

As seen, each citizen that is proud of the national history and the cultural heritage receives material and moral support of the Azerbaijani State. Many persons that were forced by the Armenian separatists to leave their lands still remain deprived of their cultural heritage. In Azerbaijan, no law or decision limits these rights. Azerbaijan continues to fight attempts to conduct a cultural cleansing and rewrite the current history both at national and local levels.